

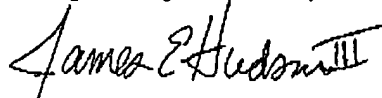
Appl. No. 10/775,949
Response Dated September 8, 2005
Reply to Office action of June 9, 2005

REMARKS/ARGUMENTS

In the Non-Final Office Action dated June 9, 2005, Examiner Neuder rejected claims 1 and 2 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 24 of U.S. Patent No. 6,708,785 ("the '785 patent"). A rejection based on a nonstatutory type of double patenting can be avoided by filing a terminal disclaimer in the application in which the rejection is made. MPEP 804.02 (II). Consequently, applicant disclaims the terminal part of any patent granted on the instant application, which would extend beyond the expiration date of the '785 patent.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,



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